

DRAFT

25. (Amended once) The process of printing a graphical code onto an object, where an object comprises text and a graphical code printed on the object, wherein the graphical code comprises an Internet address which is limited in height to the height of the text [is encoded into the graphical code].

REMARKS

Claims 1-27 are pending. Claims 1-27 have been rejected. In view of the following remarks and amendment, applicant respectfully requests reconsideration of claims 1-9 and 13-27. Claims 1-9 and 13-24 have been amended to further clarify the present invention. No new matter has been added by this response.

1. Applicant acknowledges the Examiner's objection to claim 6. The Examiner suggests that "detachable connected" should read "detachably connected." Applicant thanks the Examiner for the suggestion and amended claim 6 now reads "detachably connected."

2. The Examiner rejects claims 11 under 35 U.S.C. 112, first paragraph, because the specification does not reasonably provide enablement for a "multi-dimensional" code. Claim 11 has been deleted without prejudice.

The Examiner rejects claims 12 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states that "... the size of the text" lacks antecedent basis. Claim 12 has been amended to overcome this rejection.

3. Applicant acknowledges Examiner's recitation of 35 U.S.C. 102(e).

March 22, 1999

response.wpd

DRAFT

DRAFT

4. The Examiner rejects claims 1-6, 9, 14-18, 20, and 25-27 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,804,803 to Cragun et al. The Examiner states that "Cragun discloses an optical scanning system for scanning graphical codes 117 on an object 115 to obtain the encoded Internet address for the object comprising: an object 115 comprising at least one graphical code 117 displayed on the object, the graphical code further comprising an encoded Internet address (URL—see e.g. column 4, lines 35-40); scanning means 118 for optically scanning the graphical code; and a computer 102 connected to the scanning means and further comprising processing means 104 for decoding the scanned encoded Internet address."

The present invention is an optical scanning system which allows a person to obtain Internet addresses and to access those addresses by scanning a graphical code on an object or displayed on a monitor. Once the graphical code is scanned, a user of the system can automatically access the Internet address represented by the graphical code, automatically store the Internet address represented by the graphical code or automatically enter the Internet address represented by the graphical code into a query of a Web browser.

The invention disclosed in the Cragun et al. patent (hereinafter "Cragun invention") is for a mechanism for retrieving information using data encoded on an object. The Cragun invention is for a computer based system that would typically be utilized at a store, i.e., a grocery store. The Cragun invention allows consumers to shop in a store with a computer and when the consumer would like to obtain more information about a product the consumer scans a bar code. The bar code can be either a UPC or a URL. If the bar code is a UPC, the system obtains URL information stored in a

March 22, 1999

response.wpd

DRAFT

DRAFT

product database. (Col. 8, lines 23-26). The system can also obtain local information such as the price. (Col. 8, lines 27-30). If the bar code is a URL, the system obtains information from the URL site and displays this information. (Col. 8, lines 52-56). The system can also highlight information on the screen that may be of particular interest to the consumer according to information in a consumer database. (Col. 8, lines 57-62).

Comparing the Cragun invention to the present invention, the two inventions have different uses. The Cragun invention is suitable for use in a store. The Cragun invention is directed towards a client computer which uses Internet addresses to provide information about a product to a consumer in a store. (Col. 1, lines 11-61). The Cragun invention is not designed to be used outside of the store.

In contrast, the present invention is a system which allows a user to obtain and/or access an Internet address by scanning a graphical code from a variety of media. The present invention can be used in a store or in a home. The present invention is not limited to be used solely in one place, such as a store. A user of the present invention can take a scanner to the store, scan a graphical code, and then return home and access the encoded Internet address. Since the two inventions are intended for different users and use, the two systems operate in different manners.

The Cragun invention requires users to provide information about the users of the Cragun invention. The Cragun invention can use consumer information to assist retailers, distributors, packagers, and service providers in order to increase sales and profits. (Col. 1, lines 39-46). The Cragun invention requires consumers to use a customer card to check out a client computer at the

DRAFT

DRAFT

store which offers the object for sale. (Col. 3, lines 65-67). When the store issues the customer card to the customer, the customer fills out personal information which becomes part of the customer database. (Col. 3, line 67 - Col. 4, lines 1-3). When a customer checks out a client computer, the local server computer obtains the consumer's information using a customer identifier which is obtained from the consumer's card. (Col. 4, lines 3-7, Col. 3, lines 59-61).

In contrast, the present invention is for a system that allows a user to obtain the Internet address from a graphical code on an object from news media, from other video displays, and other sources. The present invention does not require information about the consumer. The present system can use information from a consumer, however this information is not obtained directly from the consumer but is obtained from the graphical code when the graphical code is scanned.

All of the independent claims state of Cragun state that the obtains information from "a customer data record wherein said customer data record is retrieved to said client computer system from said second server." (Claims 1, 8, and 15). As previously stated, the consumer provides the system with the information that is put into the consumer data record. (Col. 3, line 67 - Col. 4, line 3).

In contrast, the present invention does not require the limitation of the consumer providing the system with information. Therefore, the present invention does not contain each and every element that the Cragun invention requires. As a result, independent claims 1, 15, 16, and 25 are novel in view of Cragun. In addition, claims which are dependent on independent claims 1, 15, 16, and 25 are now in condition for allowance as well.

March 22, 1999

response.wpd

DRAFT

In addition, the claims of the present invention have been amended to further include the limitation that the height of the graphical code is limited in height as that of the text. By limiting the height of the graphical code, the present invention allows more space for additional pertinent information. Although the graphical code of the present invention can store a large amount of information in a limited space, if additional information is required, the present invention is able to encode the information by expanding the graphical code in the non-height direction.

In contrast, the Cragun invention does not attempt to limit the height of code. In order to conserve space, Cragun uses abbreviated URLs. Cragun must use an abbreviated URL if the expanded URL contains too many characters per inch for the given area. (Col. 7, lines 15-19). Therefore, when the code is being translated, the code requires the additional step of translating the URL form abbreviated form to the expanded form. (Col. 6, lines 21-35).

As a result, the two inventions store different amounts of information in different manners which result in the Cragun invention requiring at least one additional step to translate the abbreviated code into the expanded code. Therefore, independent claims 1, 15, 16, and 25 are novel in view of Cragun. In addition, claims 2-6, 9, 14, 17, 18, 20, 26, and 27 which are dependent on independent claims 1, 15, 16, and 25 are now in condition for allowance as well.

6. Applicant acknowledges Examiner's recitation of 35 U.S.C. 103(a).

7. The Examiner rejects claims 7, 10-13 and 23-24 under 35 U.S.C. 103 as being unpatentable over the Cragun invention. The Examiner states that the use of wireless infrared scanners are old and well known in the art. See In re Malcolm 1942 C.D. 589:543 O.G. 440.

March 22, 1999

response.wpd

DRAFT

Since claims 7, 13, 23, and 24 are dependent on allowable independent claims, these claims are now in condition for allowance as well. Please note that claims 10-12 have been deleted without prejudice.

8. The Examiner rejects claims 12-13, 23-24 under 35 U.S.C. 103 since smaller bar code heights are old and well known.

Since claims 13, 23, and 24 are dependent on allowable independent claims, these claims are now in condition for allowance as well. Please note that claim 12 has been deleted without prejudice.

9. The Examiner has rejected claims 10-11 under 35 U.S.C. 103 since two dimensional claims are old and well known. Claims 10 and 11 have been deleted without prejudice.

10. The Examiner has rejected claims 8, 19, 21, and 22 under 35 U.S.C. 103 as being unpatentable over the Cragun invention and in view of U.S. Patent #5,640,193 to Wellner.

Since claims 8, 19, 21, and 22 are dependent on allowable independent claims, these claims are now in condition for allowance as well.

Each of the Examiner's rejections has been addressed or traversed. No new matter has been added by this addition. Accordingly, it is respectfully submitted that the application is in condition for allowance. Early and favorable action is requested.

Respectfully submitted,

Jon L. Roberts

March 22, 1999

response.wpd

DRAFT

Registration No. 31,293

Roberts Brownell & Abokhair, L.L.C.

8381 Old Courthouse Road, Suite 212

Vienna, Virginia 22182

703/356-7700

DRAFT